

In re Patent Application of
FLICK
Serial No. 10/085,403
Filed: **FEBRUARY 28, 2002**

REMARKS

Applicant thanks the Board of Patent Appeals of Interferences for its careful and thorough consideration of Applicant's arguments.

Applicant has amended independent Claims 1, 16, and 27 to more clearly define the claimed invention over the prior art. Applicant has also amended dependent Claims 5-7, 11, 23, 28-29, and 31 for consistency. Applicant submits that all claims are patentable and presents arguments and amendments herein supporting such patentability.

I. The Amended Claims

Amended independent Claim 1 is directed to a method of providing a customer-selected handheld remote control feature package in a vehicle. The method includes installing a universal remote control device in the vehicle. The universal remote control device comprises a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected handheld remote control feature package from among a plurality of possible handheld remote control feature packages. The method further includes negotiating sale or lease of the vehicle with the customer. The negotiating of sale comprises offering the plurality of possible handheld remote control feature packages to the customer, accepting an order for the customer-selected handheld remote control feature package from the customer, and enabling wirelessly the customer-selected handheld remote control feature package for the universal remote control device. Claim 1 has been amended to recite a handheld remote

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control feature package. Support for this amendment is found at page 13, line 26 through page 14, line 5 of the present application.

Amended independent Claim 16 is also directed to a method of providing a customer-selected remote control feature package in a vehicle similar to independent Claim 1, and has been similarly amended. Amended independent Claim 16 further recites that the plurality of possible handheld remote control feature package remote control feature packages have respective different offering prices, and that the steps can be performed by a plurality of different entities sharing revenue based on the negotiated customer-selected handheld remote control feature package remote control feature package. Amended independent Claim 27 is a system counterpart to independent method Claim 16 and has been similarly amended.

II. The Amended Claims Are Patentable

The Board of Patent Appeals and Interferences (Board) affirmed the rejection of amended independent Claims 1, 16, and 27 over the Treyz et al. patent. Treyz et al. discloses an automobile personal computer capable of monitoring and controlling certain local vehicle peripherals, such as, an LCD display, a CD drive, a fingerprint identification reader, a digital camera, and a GPS receiver. (Col. 13, lines 52-67 & Col. 15, lines 11-53).

Further, Treyz et al. discloses the ability to remotely subscribe to digital audio satellite radio services, (Col. 22, lines 20-34), and the ability to remotely purchase products separate from the car, (Col. 57, line 60 through Col.

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58, line 10). Treyz et al. also discloses that the user may engage remote control features of the car in routine fashion, (Figure 44 & Col. 42, lines 26-37), but not the ability to wirelessly enable remote control features of the vehicle.

In the Decision on Appeal of October 22, 2009, the Board stated "that the automobile personal computer serves as a 'remote control device' to activate or 'enable' the customer selected satellite radio 'music package' wirelessly, meeting the claimed limitation." (Pages 6-7). Further, the Board went on to note that "[t]here is no imitation in claim 1 that would prohibit the 'remote control feature package' from being selected from the packages of music services, new services, or data services received by satellite radio." *Id.*

Applicant has accepted the Board's helpful suggestion and amended independent Claim 1, for example, to recite the universal remote control device comprising a controller and a wireless receiver cooperating therewith for permitting wireless enabling of the customer-selected handheld remote control feature package from among a plurality of possible handheld remote control feature packages. Applicant submits that Treyz et al. fails to disclose or fairly suggest this claim feature. Differently, Treyz et al. discloses wireless enabling satellite radio services.

Therefore, because of the aforementioned reasons, amended independent Claim 1 is patentable over the prior art. Amended independent Claims 16 and 27 are similar to Claim 1 and are patentable for similar reasons. Their respective

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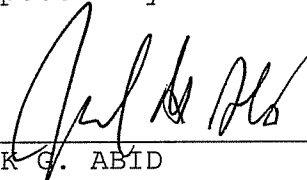
dependent claims, which recite yet further distinguishing features, are also patentable, and require no further discussion herein.

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CONCLUSIONS

In view of the amendments to the claims and the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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